

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE (1) 2003 MERCEDES BENZ C5, WITH
WASHINGTON LICENSE PLATE 273VMR,
and VIN WDBTJ75J83F010876,

ONE (1) 18K GOLD JUVENIA
WRISTWATCH with serial number 1329037,

TWO (2) GOLD MEN'S RINGS WITH
DIAMOND INLAY,

and

ONE (1) GOLD AND DIAMOND MEN'S
BRACELET,

Defendants.

NO. C10-344 RJB

**FINAL JUDGMENT OF
FORFEITURE AS TO ONE (1)
18K GOLD JUVENIA
WRISTWATCH WITH SERIAL
NUMBER 1329037, TWO (2)
GOLD MEN'S RINGS WITH
DIAMOND INLAY, and ONE (1)
GOLD AND DIAMOND MEN'S
BRACELET**

On March 2, 1010, Plaintiff, United States of America, filed its Verified Complaint for Forfeiture In Rem against One (1) 2003 Mercedes Benz C5, with Washington license plate 273VMR and VIN WDBTJ75J83F010876, One (1) 18K Gold Juvenia Wristwatch with serial number 1329037, Two (2) Gold Men's Rings with Diamond Inlay, and One (1) Gold and Diamond Men's Bracelet, pursuant to 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 1594(d)(2), for violations of 18 U.S.C. §§ 1591(a)(1) and 1591(b)(1), and

1 pursuant to 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 2428(a)(2) for violations of 18
2 U.S.C. § 2421 and 18 U.S.C. § 2423.

3 On April 6, 2010, the United States filed a Notice of Complaint for Forfeiture In
4 Rem in which all interested persons were advised to file their claims pursuant to
5 Supplemental Rule G(5) of the Federal Rules of Civil Procedure with the Clerk of the
6 Court within thirty (30) days after the date of publication and to serve their Answers to
7 the Complaint within twenty (20) days after filing a claim.

8 Notice of the forfeiture action was also available on the www.forfeiture.gov
9 website for at least 18 hours per day between March 9, 2010 and April 7, 2010. *See*
10 Docket No. 7. All interested persons were advised to file their claims pursuant to
11 Supplemental Rule G(5) of the Federal Rules of Civil Procedure with the Clerk of the
12 Court within sixty (60) days after the first date of publication and to serve their Answers
13 to the Complaint within twenty (20) days after filing a claim.

14 On April 21, 2010, Jessica Vianez, *Pro Se*, filed a claim stating her interest in the
15 above captioned defendant vehicle.

16 On November 3, 2010, the United States sent, via certified and regular mail, the
17 Verified Complaint for Forfeiture In Rem and Notice of Complaint for Forfeiture In Rem
18 to Juan Vianez at the Sea Tac Federal Detention Center in Seattle, Washington. The
19 mailing was conspicuously labeled, "Legal Mail - Open in Presence of Inmate." The
20 Certified Mail Return Receipt No. 7010 0290 0002 1964 3187 indicates delivery to Juan
21 Vianez at the Sea Tac Federal Detention Center in Seattle, Washington, on November 5,
22 2010.

23 On November 3, 2010, the United States sent, via certified and regular mail, the
24 Verified Complaint for Forfeiture In Rem and Notice of Complaint for Forfeiture In Rem
25 to Juan Vianez-Diaz, Sr. at the Coyote Ridge Corrections Center in Connell, Washington.
26 The mailing was conspicuously labeled, "Legal Mail - Open in Presence of Inmate." The
27 Certified Mail Return Receipt No. 7010 0290 0002 1964 3170 indicates delivery to Juan
28

1 Vianez-Diaz, Sr. the Coyote Ridge Corrections Center in Connell, Washington on
2 November 5, 2010.

3 No claim to the above captioned defendant vehicle or jewelry was filed by Juan
4 Vianez and Juan Vianez-Diaz, Sr. or any other unknown person and no answer to the
5 complaint was filed by Juan Vianez and Juan Vianez-Diaz, Sr. or any other unknown
6 person. The time allowed for filing a claim has expired.

7 On December 28, 2010, the Court entered an Order of Default, pursuant to Rule
8 55(a) of the Federal Rules of Civil Procedure, against Juan Vianez-Diaz, Sr., Juan Vianez,
9 and any unknown persons or entities who have failed to plead, answer, or otherwise
10 submit a claim as to the above-captioned defendant property.

11 On January 4, 2011, the Court entered an order approving a stipulated settlement
12 agreement between the United States and Jessica Vianez, *Pro Se*, in which the United
13 States stipulated and agreed to the return of One (1) 2003 Mercedes Benz C5, with
14 Washington license plate 273VMR and VIN WDBTJ75J83F010876 and Jessica Vianez,
15 *Pro Se*, in turn, stipulated and agreed to the forfeiture of the above listed defendant
16 jewelry.

17 Now, therefore, on Motion of the Plaintiff, the United States of America, for a
18 Judgment of Forfeiture as to the One (1) 18K Gold Juvenia Wristwatch with serial
19 number 1329037, Two (2) Gold Men's Rings with Diamond Inlay, and One (1) Gold and
20 Diamond Men's Bracelet to the United States of America, it is hereby

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1 ORDERED, ADJUDGED and DECREED as follows:

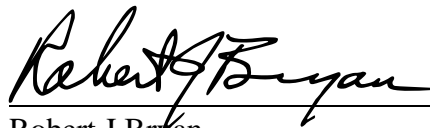
2 1. This Court has jurisdiction over this action under Title 28, United States
3 Code, Sections 1345 and 1355. This Court has venue pursuant to Title 28, United States
4 Code, Section 1395.

5 2. The defendant jewelry, more particularly described as One (1) 18K Gold
6 Juvenia Wristwatch with serial number 1329037, Two (2) Gold Men's Rings with
7 Diamond Inlay, and One (1) Gold and Diamond Men's Bracelet, are hereby forfeited to
8 the United States of America and no right, title or interest in the above-described
9 defendant jewelry shall exist in any other party.

10 3. The United States Department of Treasury, Internal Revenue - Criminal
11 Investigation and/or its agents and representatives shall dispose of the above-referenced
12 defendant forfeited jewelry in accordance with the law.

13 4. The Clerk of the Court shall deliver three (3) "raised seal," certified copies
14 of the Judgment of Forfeiture to the United States Attorney's Office in Seattle.

15 DATED this 12th day of January, 2011.

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18 Robert J Bryan
19 United States District Judge

20 Presented by:

21
22 s/James M. Lord
23 JAMES M. LORD
24 Assistant United States Attorney
25 United States Attorney's Office
26 700 Stewart Street, Suite 5220
27 Seattle, Washington 98101-1271
28 Telephone: (206) 553-2242
Fax: (206) 553-6934
Email: Jim.Lord@usdoj.gov